

Community Development Department

222 Lewis Street
River Falls, WI 54022
715.425.0900
www.rfcity.org



EXTRATERRITORIAL ZONING COMMITTEE (WITH THE TOWN OF RIVER FALLS)
March 27, 2023, at 6:00 pm
CITY HALL COUNCIL CHAMBERS
AGENDA

CALL MEETING TO ORDER

APPROVAL OF AGENDA/MINUTES

None.

PUBLIC COMMENTS – Non-Agenda Items

CURRENT ITEMS

1. Rezoning Request for XXX 965th St. in the Extraterritorial Zone (PID 022010310100)

UPDATES AND INFORMATION

ADJOURNMENT

***Council members may be in attendance for informational purposes only.
No official Council action will be taken.***

NOTE: Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials to be in an accessible location or format may contact City Clerk Amy White at (715)-426-3408 or in person at 222 Lewis Street for accommodations. Requests for accommodations should be made at least three (3) business days in advance of the meeting. Every effort will be made to arrange accommodations.

Post: River Falls Journal, March 15, 2023, and March 22, 2023 (Public Hearing Notice)
Post: City Hall Bulletin March 21, 2023
Post: River Falls Public Library, March 21, 2023
Post: Police Department March 21, 2023

Community Development Department

222 Lewis Street
River Falls, WI 54022
715.425.0900
www.rfcity.org



MEMORANDUM

TO: Members of the ETZ Committee for the City of River Falls and the Town of River Falls

FROM: Kendra Ellner, Planner, City of River Falls and Jerome Rodewald, Zoning Administrator, Town of River Falls

RE: Rezoning Request for XXX 965th St. in the Extraterritorial Zone (PID 022010310100)

DATE: March 27, 2023

BACKGROUND:

An application for rezoning or a zoning map amendment in the Extraterritorial Zoning area has been submitted by Joseph Block for the property south of 965th St. adjacent to the southwest corner River Falls High School (Parcel Identification Number: 022-01031-0100).

The applicant is requesting to rezone the 15-acre property from Exclusive Agriculture (A1) to Agriculture (A) for the purpose of building a single-family dwelling on the property without the restriction of needing to “earn substantial part of his or her livelihood from farm operation on that farm parcel” according to the municipal code [Section 17.108.150](#). Access to the parcel has been granted from south 965th St through part of the River Falls School District property and through the City of River Falls right-of-way easement to the subject parcel by a privilege in the street agreement with the City of River Falls. The applicant intends to install and maintain a private driveway with the understanding that once the designated future roadway is constructed, the privilege in the street agreement will expire and they will be able to access their private driveway from a public road.

Location Map (Subject Parcel Outlined in blue):



ANALYSIS:

CONTEXT

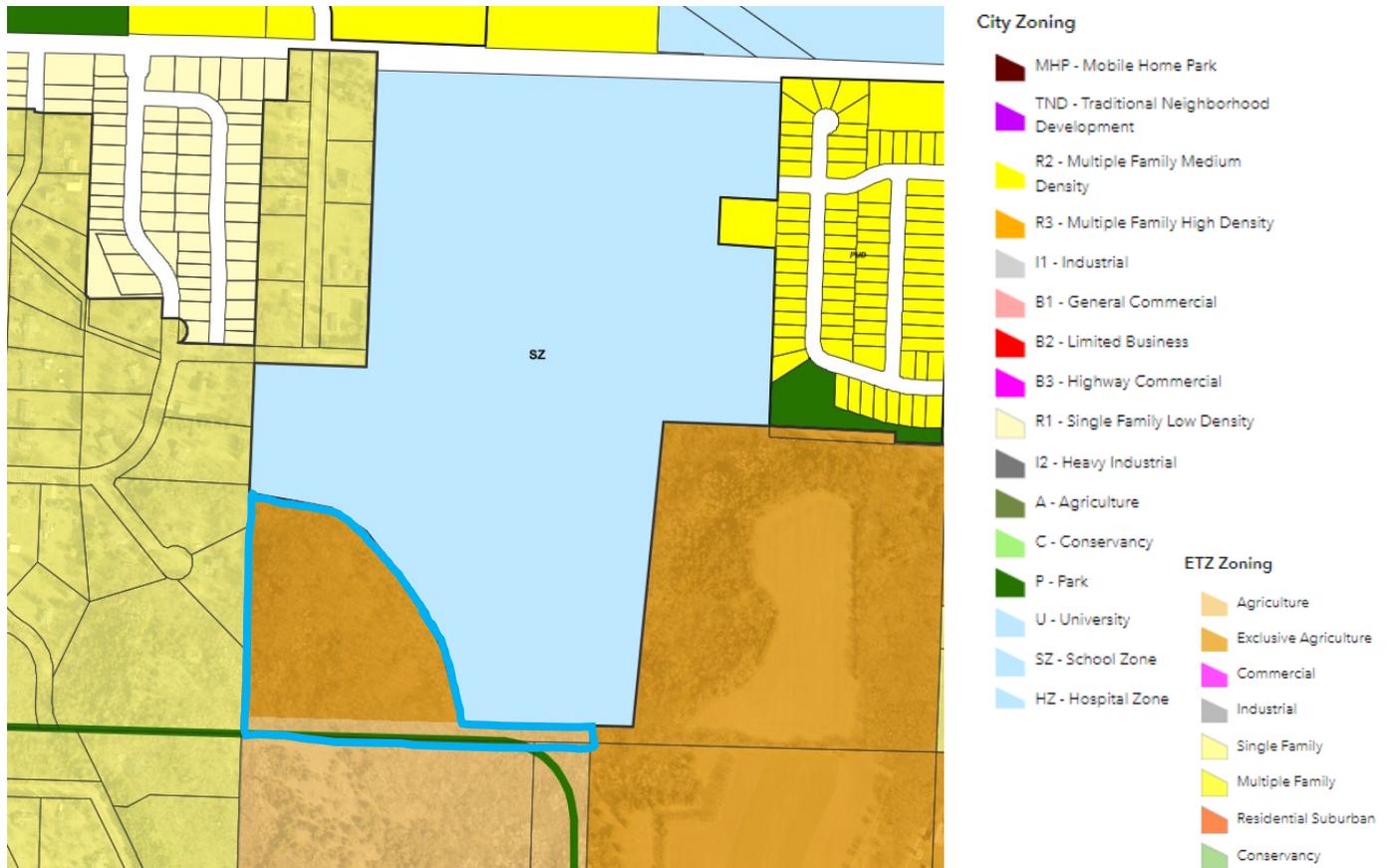
The parcel was originally contained within with the 147.77 acres of the Tostrud Farm. The ETZ boundaries were created in 1974, where the original ETZ map listed the subject parcel as Agriculture (A). In 1985 the subject parcel and the several others were rezoned to Exclusive Agriculture (A1) by the City. The purpose is more fully informed by “The Farmland Preservation Plan, City of River Falls” attached as an exhibit. After 1989, the majority of the Tostrud farm had been sold and annexed to the City; while the final 15 acres of the subject parcel remained in the township and tied to a 50-year Managed Forest Agreement.

EXISTING AND PROPOSED ZONING

The current zoning of Exclusive Agriculture (A1) in the Extraterritorial Zone allows single family dwellings and farm related structures. However the A1 zoning limits the use of single-family dwellings where at least one member must earn a “substantial part” of their livelihood from farm operations. The property has significant steep slopes which render it unlikely to balance the preservation of productive farmland, and produce the minimum state required income.

The surrounding land uses include mostly Extraterritorial Zoning, with Single Family to the west, Exclusive Agriculture to the east, and Agriculture to the south of the subject parcel. Northeast is within the City, property of River Falls High School zoned School Zone. The proposed change from (A1) Exclusive Agriculture to (A) Agriculture is anticipated to remain compatible with the surrounding land uses and the requirements for the proposed request.

Current Zoning Map (Subject Parcel outlined in blue)

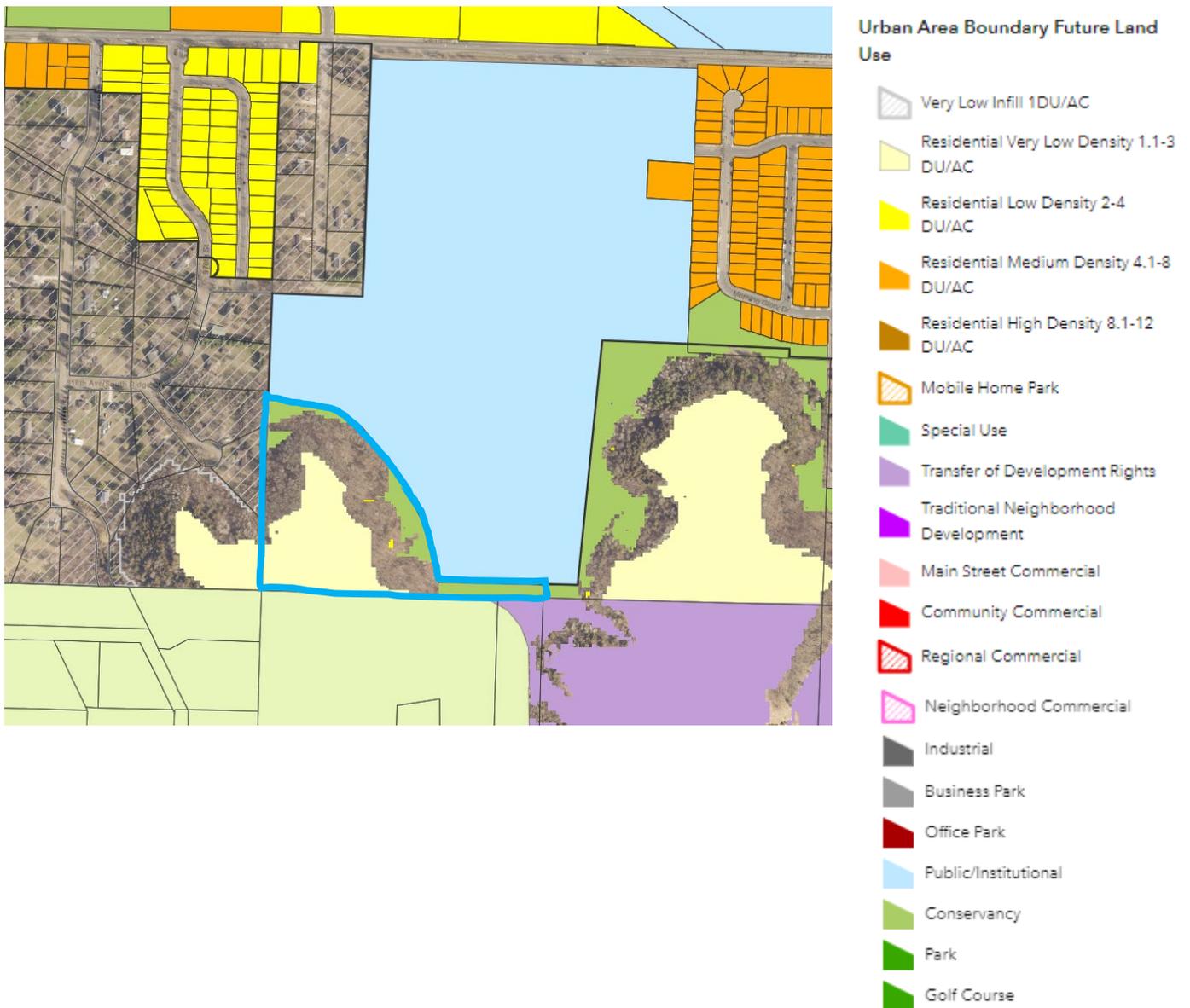


COMPREHENSIVE PLAN AND FUTURE LAND USE

Section 66.1001(3), Wis. Stats. requires consistency between the Comprehensive Plan and the zoning ordinance. The current future land use designation of the project site is Residential Very Low Density which was applied in accordance with the 2005 Comprehensive Plan.

To establish consistency between the Future Land Use map and zoning designation, staff recommends a zoning map amendment to change the land use designation of the site from Exclusive Agriculture (A1) to Agriculture (A). The proposed Agriculture zoning amendment aligns with the Future Land Use Map and would be compatible with the surrounding land uses to allow the proposed development of a single-family dwelling without the requirement for substantial income from farming operations on the subject property.

Future Land Use Map: Subject Parcel Outlined in Blue



CRITERIA FOR REZONING A PARCEL FROM EXCLUSIVE AGRICULTURE DISTRICT

Upon the ETZ Committee's recommendation, the City Council shall approve the amendment of the districts and regulations in accordance with Section 62.23(7a) and (f), Wis. Stats. Considerations of a zoning amendment of a parcel of land zoned exclusive agricultural zoning district (A-1), shall follow the procedures and standards listed in the municipal code [Section 17.108.200](#). The criteria, with staff analysis, are detailed below.

1. *Notification.* The Town of River Falls notified the department of agriculture, trade and consumer protection on March 21, 2023, as a requirement for all rezonings of an A1 district.
2. *Infrastructure and Suitability.*
 - a. *Infrastructure. Adequacy of existing or proposed public facilities to serve the development and potential burdens which these facilities place on local government.* The proposed single-family home will not require public utilities or other public infrastructure for development at this time. There are adequate existing public that could be extended to serve the development from 965th St. if justified by development in the future. This proposed development of a single-family home will not be requesting additional facilities or infrastructure at this time. Thus there is no burden placed on the local government.
 - b. *Suitability. Suitability of the land for development; air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas which the development causes.* There are no anticipated adverse effects on soil erosion, air and water pollution, or on rare or irreplaceable natural areas if the property were to develop. The continuation of the 50- years of the Managed Forest Contract with the property will provide assurance that the forest will be sustained, and the steep slopes will retain water and snow to reduce erosion. The proposed development of a single-family home will be a suitable use without the requirement of "substantial income" from farming.
3. *Potential Conflicts and Productivity.*
 - a. *Potential Conflicts. Potential for conflict with remaining agricultural uses in the area.* Staff do not foresee potential conflicts with the remaining agricultural uses in the area as the property will be zoned from (A1) Exclusive Agricultural to (A) Agriculture which allows for the development of a single-family home, but without the requirement that substantial income be generated from farming operations on the property.
 - b. *Productivity. Productivity of the agricultural lands involved.* There should not be any impact on the productivity of the agricultural lands involved. The property owner will still be permitted to farm on the land, if warranted but they won't have the burden of the income requirement. The subject property is largely unsuitable for agricultural production due to the steep slopes.
4. *Location Needs and Alternatives.*
 - a. *Location Needs. Need of the proposed development for a location in an agricultural area and location of the proposed development to minimize the amount of agricultural land converted.* The location of the proposed development does not minimize the amount of agricultural land converted as the property is requesting (A) Agriculture zoning designation from (A1) Exclusive Agriculture. The single-family use of the large property will not significantly alter the character of the land.
 - b. *Alternatives. Availability of alternative locations.* While the property is also bordering city limits with residential nearby this shall not impact surrounding agricultural land. There could be a possibility of alternative locations, but staff does not find any issues with the rezoning as proposed. The proposed use is reasonable and the process the property owner(s) are undertaking is appropriate to evaluate this rezoning and development of the property for a single-family home.

NOTIFICATION/PUBLIC COMMENT

The Town of River Falls Town Board voted on approval for this rezoning request on July 18, 2022. However, since the property is within the Extraterritorial Zone the City is also involved. A notice of the proposed rezoning was mailed on March 21, 2023, to property owners within 300 feet of the parcel proposed for the rezoning. A class 2 notice was published on March 15, 2023, and March 22, 2023, for the public hearing at the Extraterritorial Zoning (ETZ) Committee. If the ETZ Committee recommends approval for the rezoning request, it will be properly noticed and brought forth to City Council for two public hearings. As the writing of this memo, no comments regarding the proposed rezoning have been received.

SUMMARY

The applicant has stated their intent to build a single-family home on the subject property and has filed an application for a rezoning or zoning map amendment to change from its current Exclusive Agriculture (A1) designation to Agriculture (A) designation in the ETZ area. A rezoning request is a zoning map amendment which is analyzed for consistency with the future land use designation of the site and compatibility with surrounding land uses. The proposed zoning map amendment (rezoning) would apply a zoning designation that is consistent with the surrounding properties in the Township and City of River Falls ETZ area.

RECOMMENDATION

Staff recommends that the Extraterritorial Zoning Committee approve the attached resolution and forward the request to the City Council with a favorable recommendation.

EXHIBITS:

1. Farmland Preservation Plan, City of River Falls (1985)

FARMLAND PRESERVATION PLAN

CITY OF RIVER FALLS

BACKGROUND

The importance of preserving good farmland has received national attention in recent years. Productive agricultural soils have been recognized as a limited, irreplaceable natural resource, though the soils are being consumed at a rapid rate by urban development and soil loss. The agricultural community, especially the family farm, has also encountered severe economic difficulties, caused partially by the heavy burden of property taxes.

The State of Wisconsin recognized these problems and responded by enacting the Farmland Preservation Act. The legislation established a program which promotes long term commitment to agricultural activities and protection of productive soils. Incentives, in the form of tax relief, are offered to landowners who enter the program. Soil conservation measures and local government control and administration are also key features of the Act.

The benefits of preserving agricultural lands have also been recognized by local governments. It strengthens the local economy which is supported in large part by agricultural activities. Farmland preservation also enables better control of development and more cost efficient services by concentrating growth where municipal services and facilities are located.

Otherwise. sewer, water. and other urban facilities and services must be extended over long distances at high cost to scattered, isolated, and small pockets of development.

Locally, farmers have expressed concerns about the threat of urban development. The Pierce County Farmland Preservation Plan states that "for the period 1954-1979 there has been a net loss of farmland greater than 22,000 acres". Development leads to increased valuation and taxes, special assessments for roads and utilities, conflicting land uses, and a higher degree of regulation. Farmers are also aware of soil erosion problems. The Pierce County Plan states that, though tolerable soil loss limits for most soils in Pierce County is 3-5 tons/acre/year, the average soil loss in the County is 8.6 tons/acre/year.

In response, Pierce and St. Croix Counties have both prepared and adopted Farmland Preservation Plans. Their zoning ordinances have also been amended by establishing exclusive agricultural zoning districts, Agricultural lands have subsequently been rezoned to this new zoning classification. These actions have made numerous landowners fully eligible for the Wisconsin Farmland Preservation Program.

Since county plans have limited authority in the Extraterritorial area, the River Falls Joint Extraterritorial Zoning Committee has recently been taking actions to preserve farmland, through its zoning powers. It has devoted several meetings to the topic and has discussed the need for a preservation plan, the

State Farmland Preservation Act, criteria for delineating agricultural areas, and the impact of such a plan on local farmers. These considerations have resulted in the preparation of this plan. After its adoption, the committee would recommend the preparation and adoption of an amendment to the extraterritorial zoning ordinance which would establish an exclusive agricultural zoning district. Properties would subsequently be rezoned to this new zoning district, and the plan and ordinance submitted to the state for certification. Thus, individual owners would be able to take full advantage of the benefits of the Wisconsin Farmland Preservation Program.

It is the recommendation of the Extraterritorial Zoning Committee that this report serve as the City of River Falls Farmland Preservation Plan, as required by Wisconsin Statutes, Chapter 91.55. That legislation requires "1) statements of policy regarding preservation of agricultural lands, urban growth, the provision of public facilities and the protection of significant natural resource, open space, scenic, historic, or architectural areas, and 2) maps identifying agricultural areas to be preserved, areas of special environmental, natural resource, or open space significance."

GOALS AND POLICIES

The goals and policies outlined below are intended to provide elected and appointed officials, staff, and the general public with direction in subsequent implementation activities. Those

activities relate to the development of long range plans,, regulations, and programs. The goal and policies are divided into two categories: Farmland Preservation Area, and Urban Area.

FARMLAND PRESERVATION AREA

Goals:

- Preserve farmlands and agricultural as a viable, permanent land use and economic activity.
- Preserve and encourage the rural lifestyle and continuation of the family farm.

Policies:

- Permitted uses will be limited to those normally associated with agricultural activities.
- Land uses which conflict with agricultural activities will be prohibited.
- Residences will be limited to those for individuals working farms, including owners, family members, and employees.
- Regulations restricting noise, odors, animals, hours of operation, and other practices normally associated with farming activities will not apply to farmland preservation areas.
- Conservation measures and erosion control through approved farming practices and methods will be encouraged.
- Land uses and activities which have detrimental effects on areas of environmental, natural resource, or open space significance will be prohibited.

URBAN AREA

Goal:

- Control untimely and uneconomical expansion of urban facilities and services.

Policies:

- Development will be allowed only in those areas which are currently served by urban facilities and services or which are contiguous to such areas and can be provide such facilities and services in an economical, logical, and orderly manner.
- Permitted users will include residential, commercial, industrial, institutional, and recreational activities, as directed by the master plan and regulated by the zoning code
- Increased levels of facilities and services will be provided, including sanitary sewer and storm sewer, municipal water, curb and gutter paved streets, and parks
- Land uses and activities which have a detrimental effect on areas of environmental, natural resource, or open space significance will be prohibited.

INVENTORY

The West Central Wisconsin Regional Planning Commission (WCWRPC), after entering into a contract with the City of River Falls Planning Office, prepared a base map and four overlays. The base map and overlays were used to delineate the farmland preservation area. The following overlays and information were prepared, as directed by the Extraterritorial Zoning Committee:

Parcels Overlay

- Parcels as of 1981 showing lot sizes, as per the River Falls Planning Office.

Soils-Suitability for Agriculture Overlay

- Class I and II soils, Class III soils, and other soils, as per the St. Croix County Farmland Preservation Plan and the Pierce County Farmland Preservation Plan.

Existing Land Use - 1983 Overlay

- Residential, commercial, agricultural, vacant, and parks and open space land uses outside city limits and within the Extraterritorial Zoning Area, as per the St. Croix County Farmland Preservation Plan, Pierce County Farmland Plan, and the River Falls Planning Office.

Selected Environmental Resources Overlay

- Wetlands, floodplains, and open water, as per the St. Croix County Farmland Preservation Plan, the Pierce County Farmland Preservation Plan, the Wisconsin Department of Natural Resources Wetlands Inventory, the Federal Emergency Management Agency, U.S. Geological Survey 7 1/2 Minute Series topographic quadrangles (River Falls East, River Falls West, Northline and Roberts), and Wisconsin Department of Transportation aerial photos (1978 Flight).

DESIGNATION OF FARMLAND PRESERVATION AND URBAN AREAS

The following sets of criteria were used as guidelines to designate the Farmland Preservation and Urban areas. The criteria assures that similar lands are treated equally.

FARMLAND PRESERVATION AREA

Lands will be designated Farmland Preservation if the following criteria are met:

- parcel size - they are at least 100 acres in size or lie adjacent to other lands designated Farmland Preservation which together consists of at least 100 acres, as required by Statutes, Chapter 91.55(1)(b).
- contiguity - they lie adjacent to other lands designated Farmland Preservation and do not constitute "islands" which are physically separated from other such lands.
- Soil - they contain primarily Class I, II, and III soils, and
- Development - they do not contain areas designated for potential urban development

Lands may also be designated Farmland Preservation if the following criteria is also met:

- Existing land use - they have a history of economic agricultural production

URBAN AREA

Lands will be designated Urban if the following criteria is met:

- Urban services and facilities - they lie adjacent to an area currently served by urban services and facilities or which can be served by the economical, logical, and orderly extension of those services and facilities.

Lands may also be designated Urban if the following criteria is met:

- Surrounding land uses - the nature, location, or present use of surrounding land uses is or may become incompatible with agricultural activities.

Areas of environmental, natural resource or open space significance in the Farmland Preservation and Urban Areas will be encouraged to be preserved and protected.

IMPLEMENTATION

The worth of a plan is judged in large part by the means used to translate the goals and policies into action and to incorporate them into the decision making processes. Though the City's authority is limited in the extraterritorial area, there are several actions which can be taken to make this plan effective. Generally, these actions fall into three categories: long range planning, ordinance development and administration, and the state farmland program.

The City is considering the preparation of a Master Plan. The scope of the Plan would include the Extraterritorial Area and would project twenty years ahead. It would analyze and plan for a variety of issues, including land use, housing, sanitary and storm sewers, water, parks and recreation, airports and transportation. The Farmland Preservation Plan would be incorporated

into the Master Plan and would be coordinated with other land uses and various public facilities and services. The Master Plan would refine the Preservation Plan by addressing in more detail the location, timing, use, capacity, and financing of facilities and services for existing and proposed uses. It would also provide further implementation devices regarding ordinances, programs, budgets, and capital expenditures.

The zoning and subdivision ordinances are the most appropriate regulations for promoting farmland preservation. The Extraterritorial zoning ordinance should be amended to create an exclusive agricultural zoning district. The purpose of the new district would be similar to the goals and policies outlined in this plan. Minimum lot requirements, permitted and special uses, and limitations on residences would have to be incorporated, as required by statutes. Those areas designated as Farmland Preservation should then be zoned. The subdivision ordinance should also be modified to include specific procedures and regulations for the small subdivisions and large acreage lots typical of the agricultural areas.

The authority of the City and Extraterritorial Zoning Committee is limited to the zoning and subdivision ordinances. However, it should be noted that, within corporate limits, floodplain and erosion control ordinances are administered and enforced. The Master Plan would also provide an inventory and analysis of environmental features, natural resources, and open space and a plan for their protection and preservation.

Finally, state certification of this plan and zoning ordinance should be obtained. This would allow for local administration of the Farmland Preservation Program. Most important, the program would provide individual farmers with tax relief and preserve agriculture as a viable, permanent land use and economic activity.

**RESOLUTION RF-ETZ- 2023-01
REGARDING ZONING MAP AMENDMENT**

WHEREAS, the City has received a request from Joseph Block and Adam Tripp for a Zoning Map Amendment in the Extraterritorial Zone in the Town of River Falls; and

WHEREAS, the Zoning Map Amendment will allow the subject parcel (PID: 022-01031-0100) to be rezoned from Exclusive Agriculture (A1) to Agriculture (A); and

WHEREAS, the request was approved by the Plan Commission and the Town Board for the Town of River Falls on July 18, 2002; and

WHEREAS, the request was reviewed at a public hearing before the Extraterritorial Zoning Committee of the City of River Falls and the Town of River Falls on March 27, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Extraterritorial Zoning Committee for the City of River Falls and the Town of River Falls approves the request for a Zoning Map Amendment and forwards the request to the River Falls Common Council with a favorable recommendation.

Dated this 27th day of March, 2023

Diana Smith, ETZ Chairman, Town of River Falls

ATTEST:

Amy White, City Clerk